



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: _____ SWG-2019-00479

Date Issued: _____ 30 July 2019

Comments

Due: _____ 29 August 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: CITY OF CORPUS CHRISTI
P.O. Box 9277
Corpus Christi, Texas 78469-9277
POC: Mr. Keith Selman
Telephone: 361-826-3220
Email: keithSe@cctexas.com

AGENT: HDR ENGINEERING, INC.
555 N. Carancahua, Suite 1600
Corpus Christi, Texas 78401-0849
POC: Ms. Nicole Davis
Telephone: 361-696-3309
Email: Nicole.Davis@hdrinc.com

LOCATION: The project site is located in open water of Packery Channel beginning at the rip rap found on the approach immediately southeast of the State Highway (SH) 361 bridge, and extending to the west corner of the bulkhead surrounding the boat ramp parking lot. The project can be located on the U.S.G.S. quadrangle map titled: CRANE ISLANDS SW, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 27.618780 North; Longitude: 97.213392 West

PROJECT DESCRIPTION: The applicant proposes to construct a segmented rock breakwater within Packery Channel that extends from the northwest corner of the Packery Channel boat ramp parking lot to the SH 361 Bridge. The proposed segmented rock breakwater will measure approximately 315 feet long and will include one to three gaps, each measuring approximately 20 feet wide. The top of the breakwater (crest) will have a total width of approximately 6 feet at a slope of 3:1 and will be located at approximately +3 feet NAVD88. The breakwater will include 7-foot-wide toe aprons on either side with a slope of 3:1 from the toe to the existing grade, with a total breakwater base width of approximately 50 feet. Construction of the rock breakwater will require the placement of approximately 2,000 cubic yards (CY) of rock material and the mechanical excavation of approximately 1,000 CY of bottom sediments. Excavated material will be temporarily sidecast between the breakwater and the eastern shoreline. Excavated material will then be backfilled over the toe aprons where it will settle into gaps and spaces between the placed rocks. Any surplus material will be placed between the breakwater and eastern shoreline within the area that was significantly scoured by Hurricane Harvey.

AVOIDANCE AND MINIMIZATION: The applicant states that they have avoided and minimized environmental impacts by placing the location and alignment of the proposed breakwater closer to pre-existing shoreline conditions prior to excessive erosion that has occurred since the development of the parking lot and the effects from Hurricane Harvey. The proposed breakwater avoids wetlands and seagrass, and limits direct impacts to open water and unvegetated bay bottom. Silt fencing will be used to minimize sedimentation outside the project area for the duration of the project's construction.

MITIGATION: The applicant states that the proposed project will not permanently impact wetlands or other special aquatic sites. The proposed segmented rock breakwater is anticipated to improve the stability of the shoreline located between SH 361 and the boat ramp parking lot. The breakwater is also anticipated to allow the shoreline to accrete due to a reduction in erosional forces. In addition, the applicant states that the proposed breakwater will provide higher relief from bottom sediments and more contiguous, stable, hard surface area for oyster development. Therefore, no compensatory mitigation is proposed because no permanent impacts to wetlands or special aquatic sites are anticipated from the proposed project.

CURRENT SITE CONDITIONS: Packery Channel is an open water channel frequented regularly by recreational boating traffic. The shoreline east of the proposed breakwater location consists of primarily estuarine tidal flat that has been significantly impacted by effects from Hurricane Harvey and the associated washout event from a damaged waterline. No seagrass was observed within the proposed breakwater location during a field survey conducted on March 24, 2019 by the applicant. Oyster shell, other marine bivalves and gastropods, and marine algae were observed along the existing articulating block mattress (ABM) that lines the boat ramp parking lot. Bottom sediments within Packery Channel consist primarily of beach quality sand that has been deposited within the channel from wind, storm surge, and longshore sediment transport along the Gulf beach. Based on TPWD's Seagrass Viewer, patches of seagrass were historically present within the footprint of Packery Channel near the SH 361 Bridge and near the parking lot located along the north side of the channel. However, current bottom

conditions, water depths, and strong currents within the channel are not conducive for seagrass establishment within the channel. Therefore, no seagrass is anticipated to be impacted from the proposed segmented rock breakwater.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 4 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS:

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement-fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: The permit area has been so extensively impacted by industrial development and previous dredging that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **29 August 2019**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2019-00479**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS